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DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) Subcase No. 21-12990
)
)
) **Standard Form 5**
Case No. 39576)
) **STIPULATED ELEMENTS**
) **OF A WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

John Ritchie Seely

John R. Seely 11/6/06
John Ritchie Seely Date

Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 11/9/06
Larry A. Brown *Fwp* Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Ernest Carlson 10/25/06
Ernest Carlson Date
Water Resources Program Manager

IDWR CONCURRENCE:

Nicholas B. Spencer 10-25-06
Nicholas B. Spencer (as to form) Date
Deputy Attorney General

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-12990

NAME AND ADDRESS: JOHN RITCHIE SEELY
7364 MOORE CREST CT
SALT LAKE CITY UT 84121

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.260 CFS

The quantity of water under this right for stockwater use shall not exceed 12,000 gallons per day.

PRIORITY DATE: 07/25/1919

POINT OF

DEVERSION: TOWN R41E S12 NESESE Within FREMONT County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

04/01 12/31

0.260 CFS

STOCKWATER

04/01 12/31

0.020 CFS

PLACE OF USE:

IRRIGATION Within FREMONT CountyTOWN R41E S12 LOT 3 (NESE) 1.80TOWN R41E S12 LOT 3 (SESE) 12.40STOCKWATER Within FREMONT CountyTOWN R41E S12 LOT 3 (NESE)TOWN R41E S12 LOT 3 (SESE)

14.2 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 14.2 acres in a single irrigation season. Combined Right Nos.: 31-12980, 31-12984, 31-12990

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(d), Idaho Code.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

CERTIFICATE OF MAILING

I certify that on Nov. 9, 2006 mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copy to:

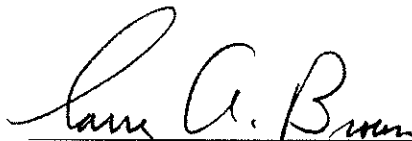
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

John Ritchie Seely
7364 Moore Crest Ct
Salt Lake City, UT 84121



Signature of person or attorney mailing the form